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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,321	10/31/2003	Haruo Yoshida	Q77859	8510

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EXAMINER

LE, TOAN M

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,321

Applicant(s)

YOSHIDA ET AL.

Examiner

Toan M. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-11, 27-46 and 61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-5, 7-11, 27-34, 36-46 and 61 is/are allowed.
- 6) ☒ Claim(s) 6 is/are rejected.
- 7) ☒ Claim(s) 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 35 is objected to because of the following informalities:

Claim 35, line 1, "33" should read -34-.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by "Far-End calibrating and Transfer Device and Method", Sun Weiping et al. (TW 475181 A) (referred hereafter Sun Weiping et al.).

Referring to claim 6, Sun Weiping et al. disclose a measuring-instrument remote-calibration system for remotely calibrating a measuring instrument, comprising:

converting means for converting, a physical standard used as a measuring reference into a transmission signal and for transmitting the signal through a first communication medium (page 3, lines 15-19; page 6, lines 5-14 and lines 21-31; page 8, lines 5-8 (a translated version)); and

calibrating means for receiving and restoring the transmission signal to the measuring reference, and for performing calibration on the measuring instrument based on the measuring reference (page 3, lines 19-24; page 6, lines 15-20; page 8, lines 8-23),

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wherein the physical standard is related to frequency information (page 6, lines 5-14 and lines 21-31).

Allowable Subject Matter

Claims 2-5, 7-11, 27-34, 36-46, and 61 are allowed.

The reason for allowance of the claim 2 is the inclusion of converting means located at a standard authority and the calibrating means at a remote location, and the standard authority provides certification of the calibration.

The reason for allowance of the claim 10 is the inclusion of the standard authority performs the certification in accordance with the result of precise measurement involving uncertainty evaluation based on the calibration.

The reason for allowance of the claims 11 and 34 is the inclusion of a remote calibrating network for linking the standard authority and the remote place, wherein a confirmation of the calibration operation and a confirmation of the precision of the standard are performed by mutually monitoring identical standards retained by a plurality of authorities linked to the remote calibrating network.

The reason for allowance of the claim 27 is the inclusion of performing certification, in accordance with the results of the calibration, wherein: the steps of converting a physical standard and performing certification are performed at a standard authority, and the steps of restoring the measuring reference and performing calibration are performed at a remote location.

The reason for allowance of the claim 46 is the inclusion of using a physical standard generating means integrated with an optical communication path and transmitting the physical standard by the optical communication path to a calibrated authority at a remote place in which

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calibration is performed; performing calibration by restoring the transmitted physical standard in the calibrated authority; and transmitting a certification result, in accordance with the result of the calibration, from the authority to the calibrated authority by the communication means.

Response to Arguments

Applicant's arguments with respect to claims 2-11, 27-46, and 61 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan M. Le whose telephone number is (571) 272-2276. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Toan Le

April 21, 2006

**BRYAN BUI
PRIMARY EXAMINER**

